

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of May 11, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, Claims 11-31 were rejected under 35 U.S.C. § 101. Claims 1-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,122,664 to Boukobza, *et al.* (hereinafter Boukobza) in view of U.S. Patent 6,681,243 to Putzolu, *et al.* (hereinafter Putzolu).

### **Amendments**

Although Applicants respectfully disagree with the rejections set forth in the Office Action, Applicants nevertheless have amended independent Claims 1, 11, 16, 21, and 31 and cancelled Claims 7, 12, and 27 to further emphasize certain aspects of the invention so as to expedite prosecution of the application. Applicants respectfully note, however, that such amendments are not intended as and should not be interpreted as a surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have further amended Claims 11, 16, and 31 to emphasize that the host and associated ghost agent software elements operate within a grid environment that, as explicitly defined, comprises at least two distinct grids that each include at least one computing platform. (See, e.g., Specification, paragraph [0027].) As amended, the claims specifically recite that the software elements can move between and execute within the computing platforms. Thus, the claims are not merely directed to functional

descriptive material not embodied in a computing system. Rather, as explicitly recited, the software elements operate within as well as provide functionality to physical elements of computing systems, namely, computing platforms.

Applicants also have amended Claims 21-30 to recite a "computer-readable storage medium" and code "executed by a computer," as suggest by the Examiner. Applicants thank the Examiner for suggesting a proper formulation for the claim language.

#### **The Claims Define Over the Cited References**

As already noted, independent Claims 1, 11, 16, 21, and 31 were each rejected as unpatentable over Boukobza in view of Putzolu. Boukobza is directed to a procedure for monitoring the object types of a plurality of nodes in an information system. Boukobza monitors the various nodes using a management node with a single autonomous agent being installed in a node that is to be monitored. As described, the autonomous agent can be configured to monitor software objects, conditions, parameters, and actions in the particular node in which the agent is installed. (See, e.g., Abstract, Col. 2, Lines 21-38) The management node can then retrieve data collected by the various autonomous agents to perform further analysis of the performance of each node. (See, e.g., Col. 6, Lines 30-34)

Boukobza, however, fails to teach or suggest a ghost agent that is associated with a host software object. Rather, Boukobza discloses a single autonomous agent that is associated with a single node, grid, or device; Boukobza's autonomous agent is not associated with a single host software object. Nor does Boukobza's autonomous agent move from one grid to another within a grid environment. (See, e.g., Col. 2, lines 20-37.) The autonomous agent of Boukobza is provided to allow decentralized control of individual nodes. The agent is intended to allow each node to continuously and

independently respond to changes in system performances and resources without having to regularly rely on a central system or external resources. (See, e.g., Col. 2, lines 39-55). As explicitly described in the reference, agents in Boukobza are limited to a single node. Accordingly, Boukobza's agents cannot perform functions related to an associated host software object as the agents traverse a grid environment.

The claimed invention, by contrast, provides an individual ghost agent that associates with an individual host software object, not with a node, grid, or device. Furthermore, the ghost agent, a software object, moves with the associated host software object. Specifically, Applicants' ghost agent moves from one grid to another in response to the associated host moving from one grid to the other. Boukobza does not teach or suggest the step of moving an associated ghost software object from a first grid to a second grid in response to the movement of the associated host software object from the first grid to the second grid.

Putzolu likewise fails to teach or suggest these features. Putzolu is directed to a method for providing agents that move among network devices in order to manage the operation of the devices in the network. Putzolu fails to disclose, however, the step of associating and moving with another software object. Instead, Putzolu provides agents that move in response to demands on device resources, traveling to the appropriate network device and making any necessary adjustments to improve network performance. Nowhere, however, does Putzolu even suggest that an agent moves from one grid to another in response to an associated software object moving from the first grid to another. (See, e.g., col. 11, lines 49-53). In Putzolu, agents are not associated with software objects. Indeed, such agents are associated with a node, as the agent can be configured to reside at a particular node according to a user command. (See, e.g., col. 5, lines 9-19). Nowhere, though, does Putzolu even suggest that such agents can be associated with another software object. Nor does Putzolu even suggest that such agents follow another

software object automatically. In Putzolu, movement is instead based on responding to commands or identified network problems. For example, an agent in Putzolu, would not travel along with software objects arriving at a node at which the agent is currently residing.

Instead, the agent of Putzolu would travel through the grid independently, attempting to ascertain the source of software objects, arriving at the node and making any adjustments necessary to improve network performance. Such movement, however, is independent of the subsequent destination of a software object arriving at the original node. As such, the agent of Putzolu cannot replicate or record actions as the agent and an associated software object moves together in a grid environment. The present invention, by contrast, provides a ghost agent that associates with a specific object and follows the object as it leaves the node and travels to other nodes.

Accordingly, Boukobza and Putzolu, whether taken alone or in combination, do not teach or suggest the claimed invention. Boukobza and Putzola fail to teach, suggest, or render obvious every feature recited in independent Claims 1, 11, 16, 21 and 31, as amended. Applicants respectfully submit, therefore, that amended independent Claims 1, 11, 16, 21 and 31 each define over the prior art. Applicants further respectfully assert that whereas the remaining dependent claims each depend from one of independent claims while reciting additional features, the remaining dependent claims likewise define over the prior art.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

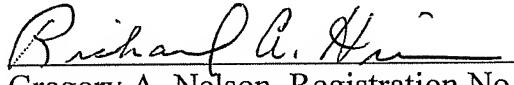
Appln No. 10/666,323  
Amendment dated August 13, 2007  
Reply to Office Action of May 11, 2007  
Docket No. BOC9-2003-0019 (388)

Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

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